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6 UNITED STATES DISTRICT COURT
7 FOR THE EASTERN DISTRICT OF CALIFORNIA

8 UNITED STATES OF AMERICA,	}	Case No.: 19 CR 240 JAM
9 Plaintiff,		STIPULATION AND ORDER TO
10 vs.		CONTINUE STATUS CONFERENCE
11 VICTOR BARRAZA,		Date: September 28, 2021
12 Defendants.		Time: 9:30 a.m.
		Judge: Hon. John A. Mendez

13
14 **STIPULATION**

15 The United States of America through its undersigned counsel, Justin Lee,
16 Assistant United States Attorney, together with Dina Santos, counsel for Victor Barraza,
17 hereby stipulate the following:

- 18 1. The Status Conference was previously set for June 8, 2021. By this stipulation,
19 the parties now move to continue the Status Conference to September 28, 2021, at
20 9:30 a.m. and to exclude time between June 8, 2021, and September 28, 2021,
21 under the Local Code T-4 (to allow defense counsel time to prepare).
- 22 2. The parties agree and stipulate, and request the Court find the following:
 - 23 a. A continuance is requested to continue to allow the Defense to meet with the
24 client who lives in Monterey County and only speaks Spanish, review the
25 discovery, conduct investigation, and discuss a potential resolution.
 - 26 b. Counsel for the Defendant believes the failure to grant a continuance in this
27 case would deny defense counsel reasonable time necessary for effective
28 preparation, taking into account the exercise of due diligence.

- 1 c. The Government does not object to the continuance.
- 2 d. Based on the above-stated findings, the ends of justice served by granting the
- 3 requested continuance outweigh the best interests of the public and the
- 4 defendants in a speedy trial within the original date prescribed by the Speedy
- 5 Trial Act.
- 6 e. For the purpose of computing time under the Speedy Trial Act, 18 United
- 7 States Code Section 3161(h)(7)(A) within which trial must commence, the
- 8 time period of June 8, 2021, to September 28, 2021, inclusive, is deemed
- 9 excludable pursuant to 18 United States Code Section 3161(h)(7)(A) and
- 10 (B)(iv), corresponding to Local Code T-4 because it results from a continuance
- 11 granted by the Court at defendant's request on the basis of the Court's finding
- 12 that the ends of justice served by taking such action outweigh the best interest
- 13 of the public and the defendant in a speedy trial.
- 14 3. Nothing in this stipulation and order shall preclude a finding that other provisions
- 15 of the Speedy Trial Act dictate that additional time periods are excludable from
- 16 the period within which a trial must commence.

17

18 **IT IS SO STIPULATED.**

19

20 DATED: June 4, 2021

Phillip Talbert
United States Attorney

21
22 /s/ Justin Lee
JUSTIN LEE
Assistant U.S. Attorney

23
24 DATE: June 4, 2021

/s/ Dina Santos
DINA SANTOS
Attorney for Victor Barraza

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The Court further finds that: (i) the ends of justice served by the continuance outweigh the best interest of the public and defendant in a speedy trial; and (ii) failure to grant the continuance would deny defense counsel the reasonable time necessary for effective preparation, taking into account the exercise of due diligence.

IT IS SO ORDERED.

/s/ John A. Mendez

THE HONORABLE JOHN A. MENDEZ
UNITED STATES DISTRICT COURT JUDGE